

# MANDATE

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6<sup>th</sup> day of March, two thousand sixteen.

Present:

Guido Calabresi,  
Denny Chin,  
Susan L. Carney,  
*Circuit Judges.*

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National Labor Relations Board,

*Petitioner,*

v.

18-49-ag

Teamsters Local 456, International Brotherhood of Teamsters,

*Respondent.*

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This matter is before the Court on the application for enforcement and proposed judgment submitted by petitioner National Labor Relations Board. Upon due consideration, it is hereby ORDERED that the application for enforcement is GRANTED and the proposed judgment filed on January 5, 2018, is adopted by the Court and attached to this order.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

  


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  


MANDATE ISSUED ON 03/06/2018

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case Nos.:
TEAMSTERS LOCAL 456,	:	02-CP-189159
INTERNATIONAL BROTHERHOOD	:	02-CP-190239
OF TEAMSTERS	:	02-CC-190242
	:	
Respondent	:	

JUDGMENT ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD

THIS CAUSE was submitted upon the application of the National Labor Relations Board for entry of a consent judgment against Respondent, Teamsters Local 456, International Brotherhood of Teamsters, its officers, agents, and representatives, enforcing its order dated December 22, 2017, in Case Nos. 02-CP-189159, 02-CP-190239 and 02-CC-190242, and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Second Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, Teamsters Local 456, International Brotherhood of Teamsters, their officers, agents, and representatives shall abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

Mandate shall issue forthwith

FOR THE COURT:

DATED:

NATIONAL LABOR RELATIONS BOARD

v.

TEAMSTERS LOCAL 456, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS

**ORDER**

Teamsters Local 456, International Brotherhood of Teamsters, Elmsford, New York, its officers, agents, and representatives, shall

1. Cease and desist from

- (a) Inducing or encouraging any individual employed by ASF Construction and Excavation Corporation (ASF) and Specialty Construction System (SCS) or any other person engaged in commerce or in an industry affecting commerce, to engage in a strike or a refusal in the course of his or her employment to perform services where an object thereof is to force ASF and SCS, or any other person, to cease doing business with Titan Concrete, Inc. (Titan).
- (b) Picketing, threatening to picket, or in any other manner seeking to restrain or coerce SCS, ASF, Mill Creek Residential Corporation (Mill Creek), GFX Site Development (GFX), SYP Industries (SYP), or any other person engaged in commerce or in an industry affecting commerce, where an object thereof is to force SCS, ASF, Mill Creek, GFX, SYP, or any other person, to cease doing business with Titan.
- (c) Picketing, threatening to picket, or in any other manner seeking to restrain or coerce Titan where an object thereof is forcing or requiring Titan to recognize or bargain with it as the collective-bargaining representative of its employees or for the purpose of forcing or requiring employees of Titan to accept or select it as their collective-bargaining representative, where Titan has lawfully recognized United Service Workers Union, IUJAT, Local 339, or any other labor organization other than it, and a question concerning representation of said employees may not appropriately be raised under Section 9(c) of the Act.

- (d) Picketing, threatening to picket, or in any other manner seeking to restrain or coerce Titan where an object of such picketing is forcing or requiring Titan to recognize or bargain with it as the collective-bargaining representative of the employees of Titan at a time when it is not certified as such representative and where such picketing has been conducted without a petition under Section 9(c) of the Act being filed within a reasonable period of time not to exceed 30 days from the start of such picketing.
  - (e) In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
- (a) For a 15-day period commencing from the date that the Board approves this stipulation, we will refrain from resuming any lawful conduct with respect to our labor dispute with Titan.
  - (b) Within 14 days after service by the Region, post at its union office in Elmsford, New York, copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Regional Director for Region 2, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to members are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.
  - (c) Sign and return to the Regional Director sufficient copies of the notice for posting by ASF Construction and Excavation Corporation, GFX Site Development, SYP Industries, Specialty Construction System, and Mill Creek Residential Corporation, if willing, at all places where notices to employees are customarily posted.
  - (d) Within 21 days after service by the Region, file with the Regional Director for Region 2 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

## **APPENDIX A**

**NOTICE TO EMPLOYEES AND MEMBERS  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union

Choose a representative to bargain on your behalf with your employer

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**WE WILL NOT** induce or encourage any individual employed by ASF Construction and Excavation Corporation (ASF) and Specialty Construction System (SCS), or any other person engaged in commerce or in an industry affecting commerce, to engage in a strike or a refusal in the course of his or her employment to perform services where an object thereof is to force ASF and SCS, or any other person, to cease doing business with Titan Concrete, Inc. (Titan).

**WE WILL NOT** picket, threaten to picket, or in any other manner seek to restrain or coerce SCS, ASF, Mill Creek Residential Corporation (Mill Creek), GFX Site Development (GFX), SYP Industries (SYP), or any other person engaged in commerce or in an industry affecting commerce, where an object thereof is to force SCS, ASF, Mill Creek, GFX, SYP, or any other person, to cease doing business with Titan.

**WE WILL NOT** picket, threaten to picket, or in any other manner seek to restrain or coerce Titan where an object thereof is forcing or requiring Titan to recognize or bargain with us as the collective-bargaining representative of its employees or for the purpose of forcing or requiring employees of Titan to accept or select us as their collective-bargaining representative, where Titan has lawfully recognized United Service Workers Union, IUJAT, Local 339, or any other labor organization other than us, and a question concerning representation of said employees may not appropriately be raised under Section 9(c) of the Act

**WE WILL NOT** picket, threaten to picket, or in any other manner seek to restrain or coerce Titan where an object of such picketing is forcing or requiring Titan to recognize or bargain with us as the collective-bargaining representative of the employees of Titan at a time when we are not certified as such representative and where such picketing has been conducted without a petition under Section 9(c) of the Act being filed within a reasonable period of time not to exceed 30 days from the start of such picketing.

**WE WILL NOT** in any like or related manner restrain or coerce you in the exercise of your rights listed above.

**TEAMSTERS LOCAL 456, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS**

The Board's decision can be found at [www.nlr.gov/case/02-CP-189159](http://www.nlr.gov/case/02-CP-189159) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

